

### **AMENDMENTS TO THE SPECIFICATION**

Please substitute the following amended paragraph for the paragraph appearing at page 9, line 14, and continuing through page 10, line 5:

However, if there are no cross correlations less than the threshold or if there are no additional mobile stations in the first group, the cross correlations between the second mobile station and the mobile stations in the other data rate group as well as the cross correlations between the first mobile station and the mobile stations in the other data rate group are preferably calculated. The calculated cross correlations are preferably analyzed to determine which, if any, mobile stations have cross correlations with respect to each of the first mobile station and the second mobile station which are below the predetermined threshold. According to a preferred embodiment, if there are no mobile stations having both cross correlations less than the predetermined threshold, only the two mobile stations are selected for transmission during the next time interval. However, if there is at least one mobile station having both cross correlations less than the threshold, a third mobile station is preferably selected for simultaneous communication during the next time interval. Preferably, if there is more than one mobile station having both cross correlations below the threshold, the cross correlations for each mobile station is summed and the mobile station having the lowest combined cross correlations is selected ~~selected~~ as the third mobile station for transmission during the next time interval.

Please substitute the following amended paragraph for the paragraph appearing at page 26, lines 3-10:

However, note that the actual higher time average data rate may not be 3 times of the lower time average data rate in the above described embodiment. For example, although mobile station 4 and mobile station 5 are associated with the lower time average data rate group, these stations may be disposed in a particular position or orientation such that their communications are compatible ~~compatible~~, i.e., their cross correlations are below CCt, with many or all other mobile stations. Accordingly, such a mobile station may be selected for communications more often than their associated time average data rate group would otherwise suggest.